

1-1 By: Paul, et al. (Senate Sponsor - Hughes) H.B. No. 302
1-2 (In the Senate - Received from the House April 11, 2019;
1-3 April 15, 2019, read first time and referred to Committee on State
1-4 Affairs; April 29, 2019, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; April 29, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton		X	
1-12	Fallon	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the carrying, storage, or possession of a firearm or
1-20 firearm ammunition by certain persons on certain residential or
1-21 commercial property.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 30.05, Penal Code, is amended by adding
1-24 Subsections (f-1), (f-2), and (f-3) to read as follows:

1-25 (f-1) It is a defense to prosecution under this section
1-26 that:

1-27 (1) the basis on which entry on the property was
1-28 forbidden is that entry with a firearm or firearm ammunition was
1-29 forbidden;

1-30 (2) the actor is:

1-31 (A) an owner of an apartment in a condominium
1-32 regime governed by Chapter 81, Property Code;

1-33 (B) an owner of a condominium unit governed by
1-34 Chapter 82, Property Code;

1-35 (C) a tenant or guest of an owner described by
1-36 Paragraph (A) or (B); or

1-37 (D) a guest of a tenant of an owner described by
1-38 Paragraph (A) or (B);

1-39 (3) the actor:

1-40 (A) carries or stores a firearm or firearm
1-41 ammunition in the condominium apartment or unit owner's apartment
1-42 or unit;

1-43 (B) carries a firearm or firearm ammunition
1-44 directly en route to or from the condominium apartment or unit
1-45 owner's apartment or unit;

1-46 (C) carries a firearm or firearm ammunition
1-47 directly en route to or from the actor's vehicle located in a
1-48 parking area provided for residents or guests of the condominium
1-49 property; or

1-50 (D) carries or stores a firearm or firearm
1-51 ammunition in the actor's vehicle located in a parking area
1-52 provided for residents or guests of the condominium property; and

1-53 (4) the actor is not otherwise prohibited by law from
1-54 possessing a firearm or firearm ammunition.

1-55 (f-2) It is a defense to prosecution under this section
1-56 that:

1-57 (1) the basis on which entry on a leased premises
1-58 governed by Chapter 92, Property Code, was forbidden is that entry
1-59 with a firearm or firearm ammunition was forbidden;

1-60 (2) the actor is a tenant of the leased premises or the
1-61 tenant's guest;

2-1 (3) the actor:
2-2 (A) carries or stores a firearm or firearm
2-3 ammunition in the tenant's rental unit;
2-4 (B) carries a firearm or firearm ammunition
2-5 directly en route to or from the tenant's rental unit;
2-6 (C) carries a firearm or firearm ammunition
2-7 directly en route to or from the actor's vehicle located in a
2-8 parking area provided for tenants or guests by the landlord of the
2-9 leased premises; or
2-10 (D) carries or stores a firearm or firearm
2-11 ammunition in the actor's vehicle located in a parking area
2-12 provided for tenants or guests by the landlord of the leased
2-13 premises; and
2-14 (4) the actor is not otherwise prohibited by law from
2-15 possessing a firearm or firearm ammunition.
2-16 (f-3) It is a defense to prosecution under this section
2-17 that:
2-18 (1) the basis on which entry on a leased premises
2-19 governed by Chapter 94, Property Code, was forbidden is that entry
2-20 with a firearm or firearm ammunition was forbidden;
2-21 (2) the actor is a tenant of a manufactured home lot or
2-22 the tenant's guest;
2-23 (3) the actor:
2-24 (A) carries or stores a firearm or firearm
2-25 ammunition in the tenant's manufactured home;
2-26 (B) carries a firearm or firearm ammunition
2-27 directly en route to or from the tenant's manufactured home;
2-28 (C) carries a firearm or firearm ammunition
2-29 directly en route to or from the actor's vehicle located in a
2-30 parking area provided for tenants or tenants' guests by the
2-31 landlord of the leased premises; or
2-32 (D) carries or stores a firearm or firearm
2-33 ammunition in the actor's vehicle located in a parking area
2-34 provided for tenants or tenants' guests by the landlord of the
2-35 leased premises; and
2-36 (4) the actor is not otherwise prohibited by law from
2-37 possessing a firearm or firearm ammunition.
2-38 SECTION 2. Section 30.06, Penal Code, is amended by adding
2-39 Subsections (e-1), (e-2), and (e-3) to read as follows:
2-40 (e-1) It is a defense to prosecution under this section
2-41 that:
2-42 (1) the license holder is:
2-43 (A) an owner of an apartment in a condominium
2-44 regime governed by Chapter 81, Property Code;
2-45 (B) an owner of a condominium unit governed by
2-46 Chapter 82, Property Code;
2-47 (C) a tenant or guest of an owner described by
2-48 Paragraph (A) or (B); or
2-49 (D) a guest of a tenant of an owner described by
2-50 Paragraph (A) or (B); and
2-51 (2) the license holder:
2-52 (A) carries or stores a handgun in the
2-53 condominium apartment or unit owner's apartment or unit;
2-54 (B) carries a handgun directly en route to or
2-55 from the condominium apartment or unit owner's apartment or unit;
2-56 (C) carries a handgun directly en route to or
2-57 from the license holder's vehicle located in a parking area
2-58 provided for residents or guests of the condominium property; or
2-59 (D) carries or stores a handgun in the license
2-60 holder's vehicle located in a parking area provided for residents
2-61 or guests of the condominium property.
2-62 (e-2) It is a defense to prosecution under this section
2-63 that:
2-64 (1) the license holder is a tenant of a leased premises
2-65 governed by Chapter 92, Property Code, or the tenant's guest; and
2-66 (2) the license holder:
2-67 (A) carries or stores a handgun in the tenant's
2-68 rental unit;
2-69 (B) carries a handgun directly en route to or

3-1 from the tenant's rental unit;
3-2 (C) carries a handgun directly en route to or
3-3 from the license holder's vehicle located in a parking area
3-4 provided for tenants or guests by the landlord of the leased
3-5 premises; or
3-6 (D) carries or stores a handgun in the license
3-7 holder's vehicle located in a parking area provided for tenants or
3-8 guests by the landlord of the leased premises.
3-9 (e-3) It is a defense to prosecution under this section
3-10 that:
3-11 (1) the license holder is a tenant of a manufactured
3-12 home lot governed by Chapter 94, Property Code, or the tenant's
3-13 guest; and
3-14 (2) the license holder:
3-15 (A) carries or stores a handgun in the tenant's
3-16 manufactured home;
3-17 (B) carries a handgun directly en route to or
3-18 from the tenant's manufactured home;
3-19 (C) carries a handgun directly en route to or
3-20 from the license holder's vehicle located in a parking area
3-21 provided for tenants or tenants' guests by the landlord of the
3-22 leased premises; or
3-23 (D) carries or stores a handgun in the license
3-24 holder's vehicle located in a parking area provided for tenants or
3-25 tenants' guests by the landlord of the leased premises.
3-26 SECTION 3. Section 30.07, Penal Code, is amended by adding
3-27 Subsections (e-1), (e-2), and (e-3) to read as follows:
3-28 (e-1) It is a defense to prosecution under this section
3-29 that:
3-30 (1) the license holder is:
3-31 (A) an owner of an apartment in a condominium
3-32 regime governed by Chapter 81, Property Code;
3-33 (B) an owner of a condominium unit governed by
3-34 Chapter 82, Property Code;
3-35 (C) a tenant or guest of an owner described by
3-36 Paragraph (A) or (B); or
3-37 (D) a guest of a tenant of an owner described by
3-38 Paragraph (A) or (B); and
3-39 (2) the license holder:
3-40 (A) carries or stores a handgun in the
3-41 condominium apartment or unit owner's apartment or unit;
3-42 (B) carries a handgun directly en route to or
3-43 from the condominium apartment or unit owner's apartment or unit;
3-44 (C) carries a handgun directly en route to or
3-45 from the license holder's vehicle located in a parking area
3-46 provided for residents or guests of the condominium property; or
3-47 (D) carries or stores a handgun in the license
3-48 holder's vehicle located in a parking area provided for residents
3-49 or guests of the condominium property.
3-50 (e-2) It is a defense to prosecution under this section
3-51 that:
3-52 (1) the license holder is a tenant of a leased premises
3-53 governed by Chapter 92, Property Code, or the tenant's guest; and
3-54 (2) the license holder:
3-55 (A) carries or stores a handgun in the tenant's
3-56 rental unit;
3-57 (B) carries a handgun directly en route to or
3-58 from the tenant's rental unit;
3-59 (C) carries a handgun directly en route to or
3-60 from the license holder's vehicle located in a parking area
3-61 provided for tenants or guests by the landlord of the leased
3-62 premises; or
3-63 (D) carries or stores a handgun in the license
3-64 holder's vehicle located in a parking area provided for tenants or
3-65 guests by the landlord of the leased premises.
3-66 (e-3) It is a defense to prosecution under this section
3-67 that:
3-68 (1) the license holder is a tenant of a manufactured
3-69 home lot governed by Chapter 94, Property Code, or the tenant's

4-1 guest; and
4-2 (2) the license holder:
4-3 (A) carries or stores a handgun in the tenant's
4-4 manufactured home;
4-5 (B) carries a handgun directly en route to or
4-6 from the tenant's manufactured home;
4-7 (C) carries a handgun directly en route to or
4-8 from the license holder's vehicle located in a parking area
4-9 provided for tenants or tenants' guests by the landlord of the
4-10 leased premises; or
4-11 (D) carries or stores a handgun in the license
4-12 holder's vehicle located in a parking area provided for tenants or
4-13 tenants' guests by the landlord of the leased premises.
4-14 SECTION 4. Section 82.002, Property Code, is amended by
4-15 adding Subsection (c-1) to read as follows:
4-16 (c-1) Section 82.121 applies to a condominium for which the
4-17 declaration was recorded before January 1, 1994.
4-18 SECTION 5. Subchapter C, Chapter 82, Property Code, is
4-19 amended by adding Section 82.121 to read as follows:
4-20 Sec. 82.121. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON
4-21 CONDOMINIUM PROPERTY. (a) Unless possession of a firearm or
4-22 firearm ammunition on condominium property is prohibited by state
4-23 or federal law, a condominium unit owner, or a tenant or guest of a
4-24 condominium unit owner, or a guest of a tenant of a condominium unit
4-25 owner may not be prohibited from lawfully possessing, carrying,
4-26 transporting, or storing a firearm, any part of a firearm, or
4-27 firearm ammunition:
4-28 (1) in the condominium unit owner's unit;
4-29 (2) in a vehicle located in a parking area provided for
4-30 the residents or guests of the condominium property; or
4-31 (3) in other common element locations as necessary to:
4-32 (A) enter or exit the condominium property;
4-33 (B) enter or exit the condominium unit owner's
4-34 unit; or
4-35 (C) enter or exit a vehicle on the condominium
4-36 property or located in a parking area provided for residents or
4-37 guests of the condominium property.
4-38 (b) This section applies notwithstanding any provision of a
4-39 dedicatory instrument to the contrary and regardless of the date of
4-40 the provision's adoption.
4-41 SECTION 6. Subchapter A, Chapter 92, Property Code, is
4-42 amended by adding Section 92.026 to read as follows:
4-43 Sec. 92.026. POSSESSION OF FIREARMS OR FIREARM AMMUNITION
4-44 ON LEASED PREMISES. Unless possession of a firearm or firearm
4-45 ammunition on a landlord's property is prohibited by state or
4-46 federal law, a landlord may not prohibit a tenant or a tenant's
4-47 guest from lawfully possessing, carrying, transporting, or storing
4-48 a firearm, any part of a firearm, or firearm ammunition:
4-49 (1) in the tenant's rental unit;
4-50 (2) in a vehicle located in a parking area provided for
4-51 tenants or guests by the landlord of the leased premises; or
4-52 (3) in other locations controlled by the landlord as
4-53 necessary to:
4-54 (A) enter or exit the tenant's rental unit;
4-55 (B) enter or exit the leased premises; or
4-56 (C) enter or exit a vehicle on the leased
4-57 premises or located in a parking area provided by the landlord for
4-58 tenants or guests.
4-59 SECTION 7. Subchapter F, Chapter 94, Property Code, is
4-60 amended by adding Section 94.257 to read as follows:
4-61 Sec. 94.257. POSSESSION OF FIREARM OR FIREARM AMMUNITION ON
4-62 LEASED PREMISES. Unless possession of a firearm or firearm
4-63 ammunition on a landlord's property is prohibited by state or
4-64 federal law, a landlord may not prohibit a tenant or a tenant's
4-65 guest from lawfully possessing, carrying, transporting, or storing
4-66 a firearm, any part of a firearm, or firearm ammunition:
4-67 (1) in the tenant's manufactured home;
4-68 (2) in a vehicle located in a parking area provided for
4-69 tenants or tenants' guests by the landlord of the leased premises;

5-1 or
5-2 (3) in other locations controlled by the landlord as
5-3 necessary to:
5-4 (A) enter or exit the tenant's manufactured home;
5-5 (B) enter or exit the leased premises; or
5-6 (C) enter or exit a vehicle on the leased
5-7 premises or located in a parking area provided by the landlord for
5-8 tenants or tenants' guests.

5-9 SECTION 8. Sections 30.05, 30.06, and 30.07, Penal Code, as
5-10 amended by this Act, apply only to an offense committed on or after
5-11 the effective date of this Act. An offense committed before the
5-12 effective date of this Act is governed by the law in effect on the
5-13 date the offense was committed, and the former law is continued in
5-14 effect for that purpose. For purposes of this section, an offense
5-15 was committed before the effective date of this Act if any element
5-16 of the offense occurred before that date.

5-17 SECTION 9. Sections 92.026 and 94.257, Property Code, as
5-18 added by this Act, do not affect the enforceability of a provision
5-19 in a lease agreement entered into or renewed before the effective
5-20 date of this Act.

5-21 SECTION 10. This Act takes effect September 1, 2019.

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